

FREEBORN & PETERS

SUITE 2600
950 SEVENTEENTH STREET
DENVER, COLORADO 80202-2826
(303) 628-4200

SUITE 3000
311 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606-6677
(312) 360-6000

SUITE 311
215 EAST ADAMS
SPRINGFIELD ILLINOIS 62701-1122
(217) 535-1060

ROBERT M. BARATTA, JR.
DIRECT: (312) 360-6622
FAX: (312) 360-6573

December 3, 1997

Via Messenger

Noemi Emeric
Community Involvement Coordinator
United States Environmental Protection Agency
Region 5
Office of Public Affairs (P-J19)
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: *Public Comment on the EE/CA Report for the Vacant Lot Site, North Chicago, Illinois*

Dear Ms. Emeric:

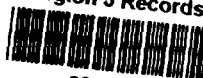
On behalf of The Northern Trust Bank/Lake Forest, as trustee under a certain residuary trust, we make the following comments addressing certain factual inaccuracies contained in the Engineering Evaluation/Cost Analysis ("EE/CA"), prepared for the United States Environmental Protection Agency by Ecology and Environment, Inc., dated October 30, 1997.

On page 2 of section 1 and page 7 of section 2, the EE/CA reads:

By 1954, the current Vacant Lot property was sold to an individual who developed the property as a parking lot. The owner reportedly solicited fill materials to be placed at the site.

These statements are incorrect. As evidenced by the enclosed equity search conducted by Chicago Title Insurance Company, the so-called Vacant Lot Site (hereinafter, the "Property") was owned by the Chicago North Shore and Milwaukee Railroad from 1940 until 1968. On January 29, 1968, the Property was conveyed to [REDACTED], who in turn immediately conveyed the Property to Chicago Title and Trust Co., Trust No. 40966. (See enclosed title search and Deed in Trust) Accordingly, the EE/CA should be amended to accurately reflect the historical ownership of the Property.

EPA Region 5 Records Ctr.



229856

Ms. Noemi Emeric

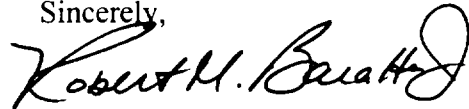
December 3, 1997

Page 2

Additionally, the above statement implies that the Property was developed as a parking lot during or after 1954, in part by importing fill material to the Property. This statement is inconsistent with the description of the May 11, 1953 aerial photograph contained in the Aerial Photographic Analysis included in the administrative record. The description states that "[t]he site is relatively flat, with a slightly higher elevation in the northern portion of the site (not discernable in 1939)" and that "[t]he southeast portion of the site is used for parking." The photographic analysis demonstrates that the Property had been filled or leveled and developed as a parking lot prior to May 11, 1953. Accordingly, the reference to the timing of the filling and development of the Property as a parking lot also should be appropriately amended.

Please call me with any questions or comments regarding the foregoing.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Baratta, Jr.", with a stylized flourish at the end.

Robert M. Baratta, Jr.

RMB:nks

Enclosures (equity search and deed in trust)

139862



CHICAGO TITLE INSURANCE COMPANY

EQUITY SEARCH PRODUCT

CUSTOMER NAME AND ADDRESS:

NORTHERN TR CO/CHRIS BROWN-COMM LENDING
50 S. LASALLE STREET
B-1
CHICAGO, ILLINOIS 60675

LISA

CUSTOMER REFERENCE:

STACK/800 BLOCK NORTH SIDE OF 22ND ST

BORROWER NAME AND ADDRESS:

STACK
800 BLOCK NORTH SIDE OF 22ND ST
NORTH CHICAGO, ILLINOIS 60064

CTIC ORDER NO.: 1408 H97039448 HR

PLEASE DIRECT INQUIRIES TO:

505 E. NORTH AVE.
CAROL STREAM, IL 60188

N LEVIN
(800)284-7545

EFFECTIVE DATE: OCTOBER 10, 1997

UPDATE LAND ONLY:

PERMANENT INDEX NUMBER:

12-04-100-012

A. RECORD OWNER:

CHICAGO TITLE AND TRUST CO, AS TRUSTEE UNDER TRUST AGREEMENT DATED 03/13/59 AND
KNOWN AS TRUST #40966

DOCUMENT NO.: 1367945

REVENUE STAMPS:

RECORDING DATE: 02/07/1968

CENSUS TRACT:

B. CURRENT YEAR REAL ESTATE TAX INFORMATION:

PERMANENT INDEX NUMBER: 12-04-100-012

1996 TAXES: 1ST INSTALLMENT: \$ 3,265.28 PAID
FINAL INSTALLMENT: \$ 3,265.28 PAID

C. MORTGAGES, JUDGMENTS AND OTHER LIENS OF RECORD:

TRUST DEED DATED 01/29/1968 AND RECORDED 02/07/1968 AS DOCUMENT NO. 1367946 MADE BY
CHICAGO TITLE AND TRUST CO, TRUST #40966 TO SHELBY YASTROW, AS TRUSTEE, IN THE
AMOUNT OF \$28,000.00.

TRUST DEED DATED 08/27/1968 AND RECORDED 09/05/1968 AS DOCUMENT NO. 1392166 MADE BY
CHICAGO TITLE AND TRUST CO, TRUST #40966 TO SHELBY YASTROW, AS TRUSTEE, IN THE
AMOUNT OF \$20,000.00.

CONTINUED ON NEXT PG

CHICAGO TITLE INSURANCE COMPANY BY:

This is not a title insurance policy, guarantee, or opinion of title and should not be relied upon as such. This search is subject to the Conditions and
Stipulations which are hereby incorporated by reference and made a part hereof. We welcome any comments you have about our new Equity
Search Product. We look forward to serving you in the future.

FORM 1

NJL



CHICAGO TITLE INSURANCE COMPANY

505 E. NORTH AVE., CAROL STREAM, IL 60188

(800) 284-7545

EQUITY SEARCH PRODUCT

CTIC ORDER NO.: 1408 H97039448 HE

EQUITY SEARCH PRODUCT (CONTINUED):

NO SEARCH HAS BEEN MADE FOR JUDGMENT RECORDS.

DEED RECORDED 12/14/1925 AS DOCUMENT NO. 270797 FROM CHICAGO TITLE AND TRUST CO, GRANTOR(S) TO JAMES E. PRICHARD, GRANTEE(S).

DEED RECORDED 12/14/1925 AS DOCUMENT NO. 270798 FROM VULCAN LOUISVILLE SMELTING CO, GRANTOR(S) TO JAMES E. PRICHARD, GRANTEE(S).

DEED RECORDED 08/07/1923 AS DOCUMENT NO. 393272 FROM JAMES E. PRICHARD, GRANTOR(S) TO WILLIAM V. GRIFFIN, GRANTEE(S).

DEED RECORDED 10/15/1940 AS DOCUMENT NO. 485030 FROM WILLIAM V. GRIFFIN, GRANTOR(S) TO CHICAGO NORTH SHORE AND MILWAUKEE RAILROAD, GRANTEE(S).

DEED RECORDED 02/07/1968 AS DOCUMENT NO. 1367944 FROM CHICAGO NORTH SHORE AND MILWAUKEE RAILROAD, GRANTOR(S) TO JUDITH HARTMANN, GRANTEE(S).

DEED RECORDED 02/07/1968 AS DOCUMENT NO. 1367945 FROM JUDITH HARTMANN, GRANTOR(S) TO CHICAGO TITLE AND TRUST CO, TRUST #40966, GRANTEE(S).



CHICAGO TITLE INSURANCE COMPANY

EQUITY SEARCH PRODUCT

CTIC ORDER NO.: 1408 H97039448 HE

D. **LEGAL DESCRIPTION:**

THE WEST 300 FEET IN WIDTH OF THAT PART OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 44 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED ON THE NORTH BY THE RIGHT OF WAY OF THE ELGIN, JOLIET AND EASTERN RAILWAY COMPANY, ON THE WEST BY THE RIGHT OF WAY OF THE CHICAGO, NORTH SHORE AND MILWAUKEE RAILROAD COMPANY AND ON THE SOUTH BY THE CENTER LINE OF THE HIGHWAY (TWENTY-SECOND STREET, SO CALLED), IN THE CITY OF NORTH CHICAGO, IN LAKE COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: 12-04-100-012

BORROWER'S NAME: STACK

ELSON

KJL

248/14
EOW 26/3-4
I. I. A-3

DOC
FILED FOR RECORD IN RECOPERS
OFFICE LAKE COUNTY, ILLINOIS

FRANK J. MURPHY RECORDS

The above space for recorder's use only

For information only insert street address of above described property.

Table space for affixing Biders and Revenue Stamps

Document Number:

126704E